

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

VICTOR-TEON LINDSEY,

Plaintiff,

v.

**2:06 CV 33
(Maxwell)**

**UNITED STATES OF AMERICA,
BUREAU OF PRISONS,
SHU PROPERTY MANAGER,**

Defendants.

ORDER

It will be recalled that on March 17, 2006, *pro se* Plaintiff Brandon Lee Beverly, a federal prisoner incarcerated at the Hazelton Penitentiary in Bruceton Mills, West Virginia, instituted the above-styled civil action pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671, *et seq.*

It will further be recalled that the case was referred to United States Magistrate Judge James E. Seibert in accordance with Rule 83.01 of the Local Rules of Prisoner Litigation Procedure and 28 U.S.C. §§ 1915(e) and 1915A.

After conducting an initial screening and review, United States Magistrate Judge James E. Seibert issued a Report And Recommendation on June 15, 2006, wherein he recommended that the Plaintiff's Complaint be transferred to the United States District Court for the Southern District of Indiana, which is the District Court for the District in which the events giving rise to the alleged cause of action occurred.

In his Report And Recommendation, Magistrate Judge Seibert provided Mr. Lindsey with ten (10) days from the date of said Report And Recommendation in which

to file objections thereto and advised Mr. Lindsey that a failure to timely file objections would result in the waiver of his right to appeal from a judgment of this Court based upon said Report And Recommendation.

The Court's review of the docket in the above-styled action has revealed that no objections to Magistrate Judge Seibert's June 15, 2006, Report And Recommendation have been filed by Mr. Lindsey and that this matter is now ripe for review.

Upon consideration of Magistrate Judge Seibert's June 15, 2006, Report and Recommendation, and having received no written objections thereto¹, it is

ORDERED that the Report And Recommendation entered by United States Magistrate Judge James E. Seibert on June 15, 2006, be, and the same is hereby, **ACCEPTED** in whole and this civil action be disposed of in accordance with the recommendation of the Magistrate Judge. Accordingly, it is

ORDERED that the above-styled action be immediately transferred to the United States District Court for the Southern District of Indiana. The Clerk of Court is directed to forward the original civil file to the Clerk's Office in the Terra Haute Division for reassignment.

The Plaintiff is directed to address any further inquiries or filings concerning the above-styled action to: Laura A. Briggs, Clerk of Court, United States District Court for the Southern District of Indiana, 207 Federal Building, 30 North Seventh Street, Terre

¹The failure of a party to objection to a Report And Recommendation waives the party's right to appeal from a judgment of this Court based thereon and, additionally, relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4th Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).

Haute, IN 47808.

The Clerk of Court is further directed to mail a copy of this Order to the *pro se* Plaintiff and to the Clerk's Office in the Terra Haute Division for delivery to the District Judge who will preside over this matter.

ENTER: July 21 , 2006

/S/ Robert E. Maxwell

United States District Judge